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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MICHAEL F. SCHULZE,

CASE NO. CV-F-05-0180 AWI LJO

12 Plaintiff,

**ORDER ON MOTION TO RECONSIDER
DENIAL TO PROCEED IN FORMA
PAUPERIS**
(Doc. 25.)

13 vs.

14 FEDERAL BUREAU OF
15 INVESTIGATION, et al,

16 Defendants.
_____ /

17 This Court issued its October 7, 2005 order to deny without prejudice plaintiff Michael F.
18 Schulze's ("plaintiff's") motion to proceed in forma pauperis, filed September 30, 2005, on grounds
19 plaintiff provided insufficient information to ascertain whether he is entitled to proceed in forma
20 pauperis. This Court construed plaintiff's motion as an attempt to circumvent timely service of a
21 summons and amended complaint on defendants United States Marshals Service ("USMS") and Drug
22 Enforcement Administration ("DEA").

23 On October 17, 2005, plaintiff filed his papers to seek reconsideration of denial to proceed in
24 forma pauperis. Plaintiff fails to make sufficient showing for reconsideration. Reconsideration is
25 appropriate when the district court is presented with newly discovered evidence, committed clear error,
26 or there is an intervening change in controlling law. *School District No. 1J, Multnomah County, Oregon*
27 *v. A C and S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993), *cert. denied*, 512 U.S. 1236, 114 S.Ct. 2741 (1994).
28 Under this Court's Local Rule 78-230(k), a party seeking reconsideration must demonstrate "what new

1 or different facts or circumstances are claimed to exist which did not exist or were not shown upon such
2 prior motion, or what grounds exist for the motion.”

3 In his papers, plaintiff incorrectly suggests that this Court will locate USMS and DEA if plaintiff
4 is permitted to proceed in forma pauperis. This Court has **repeatedly** informed plaintiff that despite
5 whether plaintiff proceeds in forma pauperis, **plaintiff, not this Court**, is responsible to locate and
6 provide accurate and sufficient information to effect service of the summons and amended complaint.
7 *See Walker v. Sumner*, 14 F.3d 1415, 1421-1422 (1993). **Plaintiff is again admonished that this Court**
8 **will recommend dismissal of this action as to defendants on whom plaintiff fails to accomplish**
9 **service of the summons and amended complaint in compliance with this Court’s orders and**
10 **F.R.Civ.P. 4.**

11 Moreover, this Court has granted plaintiff to November 21, 2005 to serve the summons and
12 amended complaint on the USMS and DEA. Such extension renders moot plaintiff’s reconsideration
13 motion to the extent it addresses service of the summons and amended complaint.

14 On the basis of good cause, this Court DENIES plaintiff’s motion to reconsider denial to proceed
15 in forma pauperis.

16 IT IS SO ORDERED.

17 **Dated: October 17, 2005**
66h44d

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE